

STATE OF TENNESSEE, ET AL.)
)
 Plaintiffs,)
)
 v.) Civil Action No. 3:24-cv-00224
) Judge Charles E. Atchley, Jr.
) Magistrate Judge Debra C. Poplin
)
 EQUAL EMPLOYMENT OPPORTUNITY)
 COMMISSION, ET AL.)
)
 Defendants.)

As Defendants’ recent motion indicates, the Plaintiff States do not oppose vacating the oral argument currently scheduled for January 27, 2025, in light of the recent Executive Order *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*. That order makes clear the position of the United States: that Title VII neither requires “gender identity-based access to single-sex spaces” nor inhibits “the freedom to express the binary nature of sex ... in work-places.” See <https://perma.cc/E6P5-DSYA>. That position is correct, for reasons the Plaintiff States have explained. PI Br. 11-18, Dkt. #33; PI Reply 6-7, Dkt. #83.

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date EEOC's controlling majority has given no indication that it will do so.¹ Until EEOC rescinds the Enforcement Document, the Plaintiff States remain subject to its mandates and will continue to suffer ongoing, irreparable harm. *See* Mot. for Prelim. Inj., Dkt. #32. Thus, the pending request for preliminary relief remains ripe for resolution, and the States are prepared to proceed in any manner this Court deems appropriate.

Respectfully submitted,

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¹ In response to the Executive Order, the Democratic EEOC Commissioners—who comprise a majority of the Commission—issued a statement affirming protections for “LGBTQI+ workers” and promising to continue to “hold employers accountable if they ... permit a hostile work environment” on those purportedly “protected grounds.” Jocelyn Samuels (@JSamuelsEEOC), X (Jan. 21, 2025, 3:33 PM), <https://perma.cc/E7WT-HUCD>.

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CERTIFICATE OF SERVICE

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